

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

CARLASIA MCGILVERY

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:21-cv-101-KS-MTP

T.L.T. TIMBER, INC.; HUGH
MOORER; AND JOHN DOES
1 THROUGH 10

DEFENDANTS

NOTICE OF REMOVAL

TO: Christy Mayo
Circuit Court, Perry County
P.O. Box 198
New Augusta, MS 39462

John Waits, Esq.
Morgan & Morgan, PLLC
4450 Old Canton Road, Suite 200
Jackson, MS 39211
jwaits@forthepeople.com
Attorney for Plaintiff

In accordance with 28 U.S.C. § 1332, 1441, and 1446, you are hereby notified that the named Defendants, T.L.T Timber, Inc. and Hugh Moorer, have removed this civil action from the Circuit Court of Perry County, Mississippi, to the United States District Court for the Southern District of Mississippi, Southern Division, and in support hereof would show unto the Court the following:

1. This action was filed in the Circuit Court of Perry County, Mississippi, as Cause No. 56CI1:20-cv-00195. Plaintiff's Complaint names T.L.T Timber, Inc. and Hugh Moorer as the Defendants. (See Ex. A, Complaint).

2. There is complete diversity of citizenship between the Plaintiff and named Defendants, T.L.T Timber, Inc. and Hugh Moorer. Plaintiff is an adult resident of Perry

County, Mississippi, and thus a citizen of and domiciled in Mississippi. (See Ex. A, Complaint, para. 1). T.L.T Timber, Inc. is a foreign corporation organized under the laws of the State of Alabama, with its principal place of business in McIntosh, Alabama and thus a citizen of and domiciled of Alabama. (See Ex. A, Complaint, para. 2). Defendant, Hugh Moorer is an adult resident of Mobile County, Alabama, and thus a citizen of and domiciled of Alabama. (See Ex. A, Complaint, para. 3). Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

3. The United States District Court for the Southern District of Mississippi, Southern Division, has original subject matter jurisdiction over this civil action because there is complete diversity among the parties, as noted, pursuant to 28 U.S.C. § 1332. No party properly joined as a Defendant is domiciled in the State of Mississippi or has its principal place of business in the State of Mississippi. The amount in controversy in this civil action, exclusive of interest and costs, exceeds the sum of \$75,000.00. (See Ex. B, Plaintiff's Answers to Requests for Admissions). Therefore, this action may be removed to this Court pursuant to 28 U.S.C. § 1441.

4. The amount in controversy in this civil action, exclusive of interest and costs, is in excess of the minimum jurisdictional amount of this Court. Per her Admitted Response to Request for Admission Number 1, Plaintiff seeks compensatory damages in excess of \$75,000.00, as noted above. *Id.* Therefore, this Court's minimal jurisdictional threshold is satisfied. 28 U.S.C. § 1332.

5. The alleged compensatory damages for Plaintiff was initially unknown from the Complaint. (See Ex. A, Complaint). This Notice of Removal is timely filed because it has been

filed within 30 days of receipt of Plaintiff's Answers to Requests for Admissions. (See Ex. B, Plaintiff's Answers to Requests for Admissions). Further, it is filed within one year of the filing of the original Complaint. 28 U.S.C. § 1446(b).

6. This action is not one rendered non-removable by 28 U.S.C. § 1445.

7. Copies of all process, pleadings, and orders served on the Defendant in the State Court action are attached as Exhibit "C" to this Notice. Attached as Exhibit "D" is the Civil Cover Sheet.

8. A copy of the Notice of Removal is being served on the Plaintiff, by and through her attorney of record, and the Clerk of the Circuit Court of Perry County, Mississippi.

WHEREFORE, T.L.T Timber, Inc. and Hugh Moorer, serves this Notice and hereby removes this case pursuant to 28 U.S.C. § 1332, 1441, and 1446, and Plaintiff herein is notified to attempt to proceed no further in this case in the Circuit Court of Perry County, Mississippi, unless by Order of the United States District Court for the Southern District of Mississippi, Southern Division.

RESPECTFULLY SUBMITTED, this the 23rd day of JULY, 2021.

T.L.T. TIMBER, INC. and HUGH MOORER,
Defendants

BY: CARR ALLISON, Their Attorneys

BY: /s/ Douglas Bagwell
DOUGLAS BAGWELL, MB #1682
NICOLE M. HARLAN, MB#105412

CERTIFICATE OF SERVICE

I, Douglas Bagwell/Nicole M. Harlan, of the firm Carr Allison, do hereby certify that I have this day emailed and mailed, by United States Mail, postage-prepaid, a true and correct copy of the foregoing *Notice of Removal* to the following:

John Waits, Esq.
Morgan & Morgan, PLLC
4450 Old Canton Road, Suite 200
Jackson, MS 39211
jwaits@forthepeople.com
Attorney for Plaintiff

This the 23rd day of July, 2021.

/s/ Douglas Bagwell

DOUGLAS BAGWELL, MB #1682
NICOLE M. HARLAN, MB #105412

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